

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

**UNITED STATES OF AMERICA,
Plaintiff**

Plaintiff

V.

CIVIL CASE NO. _____

**28676 JOED ROAD, 8.50 ACRES
OF LAND, AND 14.10 ACRES OF
LAND, LA FERIA, TEXAS**

Defendant

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, Plaintiff, files this action for forfeiture *in rem* against the Defendants 28676 Joed Road, 8.50 Acres of Land, and 14.10 Acres of Land, with all improvements and appurtenances, and alleges on information and belief as follows:

STATUTORY BASIS FOR FORFEITURE

1. Civil forfeiture is sought pursuant to:
 - a. 21 U.S.C. § 881(a)(7), which provides for the forfeiture of real property and improvements and appurtenances used, or intended to be used, in any manner or part, to commit or to facilitate the commission of a violation of the Controlled Substances Act; and
 - b. 21 U.S.C. § 881(a)(6), which provides for the forfeiture of proceeds traceable to an exchange of moneys, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of the Controlled Substances Act.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1345 and 1333.
3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1333, 1331, and 1335.

DEFENDANT PROPERTIES

4. Defendant 28676 Joed Road, Cameron County, La Feria, Texas, is legally described as:

A tract containing 12.30 acres of land out of the East 23.46 acres of block number Seventy-Six (76) of the Bixby Resubdivision, as recorded in Volume 5, Page 53 of Cameron County Map Records, Cameron County, Texas, and further being the same 12.30 acre tract referenced to in a distribution deed recorded in Volume 5526, Page 201 of the Cameron County Official Records, Cameron County, Texas, and more fully described on Exhibit "A" attached hereto and made a part for all purposes.

5. Defendant 14.10 Acres of Land, La Feria, Texas, is legally described as:

Being a 14.10 acre tract, more or less, of land out of block 36, Bixby Resubdivision, in Capisallo District, Cameron County, Texas, according to the map or plat thereof recorded in Volume 5, Pages 53 and 54, Map Records of Cameron County, Texas; and more fully described on Exhibit "B" attached hereto and made a part for all purposes.

6. Defendant 8.50 Acres of Land, La Feria, Texas, is legally described as follows:

Being a tract containing 8.50 acres of land out of the East 23.46 acres of Block Seventy-six (76), of the Bixby Resubdivision, as recorded in Volume 5, Page 53 of the Map Records of Cameron County, Texas, and further being that same 8.50 acre tract referenced to in a distribution deed recorded in Volume 5526, Page 211 of the Official Records of Cameron County, Texas; and more fully described on Exhibit "C" attached hereto and made a part for all purposes.

7. The Defendant Properties are located within this district and within the jurisdiction of the Court.

FACTUAL BASIS FOR FORFEITURE

8. On May 17, 2013, law enforcement searched Defendant 28676 Joed Road and recovered 294 bundles of marijuana weighing approximately 10,000 pounds, along with known tools of the drug trade: industrial bleach bottles, Lysol, shrink wrap and packing materials, and a drug ledger. Markings on the marijuana bundles and on a drug ledger found at the property identified the marijuana as belonging to Arnoldo Lopez, Jr., a.k.a. "Prieto" (Lopez), and his drug organization.

9. Lopez, a fugitive, is under indictment in the Southern District of Texas for drug and money laundering offenses.

10. Lopez has been involved in trafficking in controlled substances since 2008. He is responsible for transporting marijuana from South Texas as far north as Illinois and Indiana. From 2011 to 2013, law enforcement seized almost 10,000 kilograms of marijuana attributed to Lopez and his organization.

11. On April 20, 2013, Lopez was stopped carrying over \$66,000 in U.S. currency.

12. Lopez and his wife have no known legitimate source of income sufficient to account for the purchase of the Defendant Properties, which were collectively purchased for \$470,000. Lopez earns his primary income from trafficking marijuana.

13. Lopez purchased Defendant 28676 Joed Road for \$250,000. Defendant 28676 Joed Road is titled to Marco Antonio Cervantes Ponce ("Ponce"). Ponce is a straw or nominee purchaser.

14. A third party made payments on Defendant 28676 Joed Road for Lopez.

15. Defendants 8.50 Acres and 14.10 Acres are adjacent to Defendant 28676 Joed Road. Lopez purchased Defendants 8.50 Acres and 14.10 Acres on July 27, 2012, for \$120,000 and

\$100,000 respectively. Defendants 8.50 Acres and 14.10 Acres are titled to Gilberto Leal Lopez (“Leal Lopez”). Leal Lopez is Lopez’s straw or nominee purchaser.

16. Defendants 8.50 Acres and 14.10 Acres were paid for with drug proceeds generated by the Lopez organization.

17. Defendant 28676 Joed Road is located in La Feria, Texas, and is several hundred feet west of Joed Road and several hundred feet south of Mile 6 ¾ N. Road/County Road 452. Defendant 8.50 Acres is adjacent to and directly east of Defendant 28676 Joed Road and is located between Defendant 28676 Joed Road and Joed Road. Defendant 14.10 Acres is adjacent to Defendant 28676 Joed Road, directly to its north and is located to the south of Mile 6 ¾ N. Road/County Road 452 and to the west of Joed Road.

18. Defendant 8.50 Acres blocks from view the Defendant 28676 Joed Road residence from Joed Road.

19. Defendant 14.10 Acres blocks the view of the Defendant 28676 Joed Road residence from Mile 6 ¾ N Road/County Road 452.

20. A drainage ditch running to the south of Defendant 28676 Joed Road and Defendant 8.50 Acres blocks the view of the Joed Road house from the south.

21. The Defendant Properties facilitate the trafficking in marijuana and the use of the Joed property residence to store, package, and transport large amounts of marijuana without being seen by the public and law enforcement. Defendants 8.50 Acres and 14.10 Acres protect the property surrounding the stash house at Defendant 28676 Joed Road from view by the public and from purchase for residential development.

22. The Defendant Properties are subject to forfeiture as property used and acquired unlawfully.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Real Properties which are subject to forfeiture and want to contest the forfeiture, you must file a verified claim that fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas, and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

The United States respectfully requests judgment of forfeiture of the Defendant Properties and costs and such other and further relief to which the United States may be entitled.

Respectfully submitted,

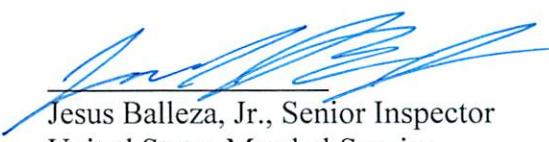
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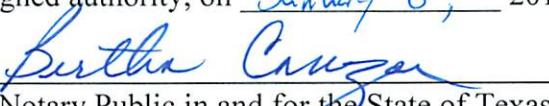
VERIFICATION

I, Jesus Balleza, Jr., a Senior Inspector with the United States Marshal Service, hereby declare under penalty of perjury: I have been involved in the investigation concerning this litigation. I have read the above Complaint for Forfeiture. Based upon the investigation I conducted and the investigation conducted by federal agents of which I have knowledge, the facts contained in the Complaint for Forfeiture, paragraphs 8-21, are true and correct to the best of my knowledge and belief.



Jesus Balleza, Jr., Senior Inspector
United States Marshal Service

Sworn and subscribed before me, the undersigned authority, on January 6, 2014



Notary Public in and for the State of Texas

